

\*E-Filed 10/12/11\*

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CRAIG YATES, an individual;

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

CRAIG YATES, an individual,

Plaintiff,

v.

MANGOSTEEN; WBCMT 2007-C31  
 BUCHANAN STREET, LTD; and PHILIP  
 TRI NGUYEN, an individual dba  
 MANGOSTEEN,

Defendants.

**CASE NO. CV-10-3747-RS**

**STIPULATION OF DISMISSAL OF  
 DEFENDANT WBCMT 2007-C31  
 BUCHANAN STREET, LTD AND  
 [PROPOSED] ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of defendant WBCMT 2007-C31 BUCHANAN STREET, LTD., of this action with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own costs and attorneys’ fees. Therefore, IT IS HEREBY STIPULATED by and between parties to this action through their designated counsel that the above-captioned action be and hereby is dismissed with prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

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STIPULATION OF DISMISSAL OF **DEFENDANT WBCMT 2007-C31 BUCHANAN STREET, LTD** AND **[PROPOSED]** ORDER THEREON

1 This stipulation may be executed in counterparts, all of which together shall constitute  
2 one original document.

3  
4 Dated: October 12, 2011

THOMAS E. FRANKOVICH  
*A PROFESSIONAL LAW CORPORATION*

5  
6 By: /s/ Thomas E. Frankovich  
Thomas E. Frankovich  
7 Attorney for CRAIG YATES, an individual

8  
9  
10 Dated: \_\_\_\_\_, 2011

DUANE MORRIS LLP  
PHILIPPE A. TOUDIC

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13  
14 By: \_\_\_\_\_  
Philippe A. Toudic  
15 Attorneys for WBCMT 2007-C31 BUCHANAN  
16 STREET, LTD

17  
18 **ORDER**

19 IT IS HEREBY ORDERED that this matter is dismissed on as to defendant WBCMT  
20 2007-C31 BUCHANAN STREET, LTD with prejudice pursuant to Fed.R.Civ.P.41(a)(1).

21 Dated: 10/12 \_\_\_\_\_, 2011

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23   
Honorable Judge Richard Ceborg  
24 UNITED STATE DISTRICT JUDGE

1 This stipulation may be executed in counterparts, all of which together shall constitute  
2 one original document.


3  
4 Dated: \_\_\_\_\_, 2011

THOMAS E. FRANKOVICH  
A PROFESSIONAL LAW CORPORATION

5  
6 By: \_\_\_\_\_  
7 Thomas E. Frankovich  
8 Attorney for CRAIG YATES, an individual

9  
10 Dated: 10/11, 2011

DUANE MORRIS LLP  
PHILIPPE A. TOUDIC

11  
12  
13 By:   
14 Philippe A. Toudic  
15 Attorneys for WBCMT 2007-C31 BUCHANAN  
16 STREET, LTD  
17

18 **ORDER**

19 IT IS HEREBY ORDERED that this matter is dismissed on as to defendant WBCMT  
20 2007-C31 BUCHANAN STREET, LTD with prejudice pursuant to Fed R. Civ.P.41(a)(1).

21 Dated: \_\_\_\_\_, 2011

22  
23 Honorable Judge Richard Seeborg  
24 UNITED STATE DISTRICT JUDGE  
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STIPULATION OF DISMISSAL OF DEFENDANT WBCMT 2007-C31 BUCHANAN STREET, LTD AND ~~PROPOSED~~ ORDER  
THEREON